



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE

Southeast Regional Office
9721 Executive Center Drive North
St. Petersburg, Florida 33702

August 9, 1995

Colonel Terry Rice
District Engineer, Jacksonville District
Department of the Army, Corps of Engineers
Construction-Operations Division
P.O. Box 4970
Jacksonville, Florida 32232-0019

Dear Colonel Rice:

The National Marine Fisheries Service (NMFS) has reviewed the information contained in public notice number PN-SPH-205 regarding the proposed location of a Dredged Material Management Area (DMMA) adjacent to the Indian River Lagoon in Brevard County, Florida. The notice provides the location and general construction details of the proposed DMMA. No specific project impacts are included but it is noted that wetland impacts will be mitigated.

The NMFS was not able to visit the project site during the comment period. However, we strongly recommend that impacts to intertidal wetlands be avoided. If significant amounts of wetland resources would be adversely impacted by the proposed DMMA, the NMFS suggests that an alternative location be utilized. Preferably, an upland site with historic anthropogenic impacts should be utilized. If minor wetland impacts are unavoidable, including isolation of on-site wetlands, mitigation of those impacts should occur on-site. If wetland mitigation will be required the NMFS is available to review proposed mitigation plans. We are also available to review specific project plans once they are available.

If you have any questions regarding these comments, please direct them to Mr. David N. Dale of our St. Petersburg Area Office. He may be contacted at 813/570-5317.

Sincerely,

5 Andreas Mager, Jr.
Assistant Regional Director
Habitat Conservation Division



CC:

EPA, ATL

SAFMC, CHAS

FWS, JAX

DEP, TALL

GFWFC, TALL

F/SEO2

F/SEO23-ST PETE

August 8, 1995

Department Of The Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

RE: Construction-Operations Division
Public Notice Number PN-SPH-205

TO WHOM IT MAY CONCERN:

On or about July 17, 1995, I received a public notice (PN-SPH-205) from the Department Of The Army, District Of Corps of Engineers in reference to the construction of the Dredged Material Management Area's (DMMA'S).

The letter that I am now submitting to the District Engineer should stand notice that I strongly oppose the landsite for the material dredge from the IWW. This construction along with the actual landfill with dredge material will affect my and my familys everyday living conditions along with the value of my property. My property is located at 5090 Dixie Way, Mims, FL which according to the map that was enclosed with the public notice is right across the road from my property.

If the construction of the Dredged Material Management Area proceeds according to the plans of all parties involved it is my intention to retain an attorney and seek legal action.

Sincerely,

Horace C. Meadows

CONVERSATION RECORD

TIME

11:02

DATE

8-28-95

TYPE

☐ VISIT

☐ CONFERENCE

☒ TELEPHONE

☒ INCOMING

☐ OUTGOING

ROUTING

NAME/SYMBOL

INT

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

ORGANIZATION (Office, dept., bureau, etc.)

TELEPHONE NO.

Roslyn Kilcollins

FL Coastal Management Program

SUBJECT PN 205

SUMMARY

She wanted copy of PN

ACTION REQUIRED

fax to her

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

ACTION TAKEN

SIGNATURE

TITLE

DATE

CONVERSATION RECORD

TIME

1315

DATE

8-30-95

TYPE

☐ VISIT

☐ CONFERENCE

☐ TELEPHONE

☐ INCOMING

☒ OUTGOING

Location of Visit/Conference:

NAME OF PERSON(S) CONTACTED OR IN CONTACT WITH YOU

Hank Papini

ORGANIZATION (Office, dept., bureau, etc.)

Brevard County Shell
407-779-2811

TELEPHONE NO.

SUBJECT

ROUTING

NAME/SYMBOL

INT

SUMMARY

1. - He Did not get a complete PN
- Another one is in the mail

2. - He wants to be assured that he will get the opportunity to voice his concerns if we dredge the Brevard Harbour area
- His name is on the Brevard County waiting list and dredging won't be until approximately (at least) 2 years.

ACTION REQUIRED

NAME OF PERSON DOCUMENTING CONVERSATION

SIGNATURE

DATE

Donald B Fore

Donald B Fore

ACTION TAKEN

SIGNATURE

TITLE

DATE



Flag Agency, Inc.

840 Garden Street

Titusville, Florida 32796

Fax (407) 267-9430

Bus. (407) 267-3600

August 31, 1995

Girlando Diciara
Chief, Construction-Operations Division
Department of the Army
Jacksonville District Corps of Engineers
P.O. Box 4970
Jacksonville, FL 32232-0019

Re: Public Notice Number PN-SPH-205

Dear Sir:

I have been contacted by Charles and Nancy Hendry who reside at 3175 Aurantia Road, Mims, Florida to represent them in the sale of their property. They have given me a copy of your notice dated July 13, 1995 regarding the dredging of the Intercoastal Waterway (Indian River). They are very concerned about this development and the possible impact it may have on the value of their property. I have read your notice thoroughly and reviewed the dike construction plan. The concern is when the vegetation is going through the drying out process, the odors and methane gases released will certainly provide an impact on air pollution.

This office has vacant land listed for sale in the same area where the proposed dredged site is located. We need to be kept informed on all upcoming events that can have an impact on the sale of these properties.

Exactly when is this dredging going to commence, or is the project still in the approval and permit stages? It is my understanding that two other sites in Florida are underway with this dredging. I would appreciate it if you would advise as to where these sites are located so that we can make a personal inspection of these operations.

Sincerely,

Kathy Merriman
REALTOR-Associate



Proudly Serving North Brevard Since 1973



STATE OF FLORIDA
DEPARTMENT OF COMMUNITY AFFAIRS
EMERGENCY MANAGEMENT • HOUSING AND COMMUNITY DEVELOPMENT • RESOURCE PLANNING AND MANAGEMENT

LAWTON CHILES
Governor

JAMES F. MURLEY
Secretary

October 12, 1995

Colonel Terry Rice
District Engineer
Jacksonville District
U. S. Army Corps of Engineers
Post Office Box 4970
Jacksonville, Florida 32232-0019

RE: Florida Inland Navigation District - Long-Range Dredged
Material Management Plan - Atlantic Intracoastal
Waterway, Brevard County, Florida
SAI: FL9508100838C

Dear Colonel Rice:

The Florida State Clearinghouse, pursuant to Presidential Executive Order 12372, Gubernatorial Executive Order 93-194, the Coastal Zone Management Act, 16 U.S.C. §§ 1451-1464, as amended, and the National Environmental Policy Act, 42 U.S.C. §§ 4321, 4331-4335, 4341-4347, as amended, has coordinated a review of the above-referenced project.

The Department of Environmental Protection (DEP) indicates that the proposed project will require permits prior to the start of construction. Early coordination with the DEP may help to eliminate problems in the permitting process. In addition, the DEP suggests that the environmental assessment include: an analysis of the project's potential impacts to wetlands, the adjacent shellfish and seagrass resources, the North Indian River Lagoon Conservation and Recreation Lands (CARL) project, sovereign submerged lands, water quality and listed species; a

2740 CENTERVIEW DRIVE • TALLAHASSEE, FLORIDA 32399-2100

FLORIDA KEYS AREA OF CRITICAL STATE CONCERN
FIELD OFFICE
2796 Overseas Highway, Suite 212
Key West, Florida 33603-3328

SOUTH FLORIDA RECOVERY OFFICE
P.O. Box 4022
8630 N.W. 36th Street
Miami, Florida 33149-4022

GREEN SWAMP AREA OF CRITICAL STATE CONCERN
FIELD OFFICE
155 East Summerlin
Bartow, Florida 33630-4641

Colonel Terry Rice

October 12, 1995

Page Two

preliminary mitigation plan; and a discussion of the potential uses for the dredged material. Please refer to the enclosed DEP comments.

The St. Johns River Water Management District (SJRWMD) suggests that the design for the proposed dredged materials management area include measures for avoiding impacts to the CARL project area and the adjacent seagrass beds. Please refer to the enclosed SJRWMD comments.

Based on the information contained in the notification of intent and the enclosed comments provided by our reviewing agencies, the state has determined that the above-referenced project is consistent with the Florida Coastal Management Program.

Sincerely,



James F. Murley
Secretary

JFM/rk

Enclosures

cc: Lynn Griffin, Department of Environmental Protection
Margaret Spontak, St. Johns River Management District



Department of Environmental Protection

Lawton Chiles
Governor

Marjory Stoneman Douglas Building
3900 Commonwealth Boulevard
Tallahassee, Florida 32399-3000

Virginia B. Wetherell
Secretary

RECEIVED

October 2, 1995

OCT 3 1995

Florida Coastal
Management Program

Suzanne Traub-Metlay
State Clearinghouse
Office of Planning and Budgeting
Executive Office of the Governor
The Capitol
Tallahassee, Florida 32399-0001

RE: U.S. Army Corps of Engineers Public Notice for Florida Inland Navigation District
Long-Range Dredged Material Management Plan, Brevard County
SAI: FL9508100838C

Dear Ms. Traub-Metlay:

The Department has reviewed the site that the Florida Inland Navigation District (FIND) has proposed to use for placement of material dredged from the Atlantic Intracoastal Waterway (ICW). The dredged material management area (DMMA) is designated BV-2C, north of Mims in Brevard County. The referenced public notice states that the Corps is preparing an environmental assessment (EA) to evaluate the environmental impacts of constructing and operating the proposed DMMA. We have the following comments concerning the identified disposal site:

Permits

The construction of the DMMA will require an Environmental Resource Permit (ERP). The public notice indicates that permits will be applied for only if water quality certification is required. Under the ERP rules scheduled to go into effect October 3, 1995, an ERP will be required for this project regardless of the extent of the wetland impact involved and the discharges, if any, from the disposal site. The processing of an ERP would be handled by the Bureau of Submerged Lands and Environmental Resources, Division of Environmental Resource Permitting.

The public notice states that construction of this disposal site will involve filling of isolated wetlands. There are also contiguous wetlands adjacent to the proposed DMMA and a series of ditches or canals running both north-south and east-west through the site. It is likely that at least some of these

Ms. Traub-Metlay
Page Two

ditches comprise waters of the state. The current condition of the wetlands and uplands within and adjacent to this project site should be thoroughly evaluated in the EA before finalizing the design and engineering of the DMMA and applying for permits. Approval of the ERP is unlikely if the project is determined to cause adverse impacts to wetlands and uplands that provide habitat functions for endangered or threatened wetland-dependent species. In order to fully evaluate the project, we recommend that the EA include a preliminary mitigation plan. We have enclosed maps of the sites we recommend as mitigation properties for adverse impacts to the Indian River Lagoon and jurisdictional wetlands.

Disposal activities could adversely affect the resources of adjacent waters, including an approved shellfish harvesting area. The discharge of excessive quantities of suspended material could harm seagrass and shellfish resources in adjacent estuarine waters. Pipeline placement and the treatment of return water from the site should be thoroughly evaluated in the EA. FIND will be required to conduct standard geophysical and chemical testing of the sediments to be dredged to determine the potential for water pollution associated with the dredging and the discharge of dredged slurry from the DMMA.

Submerged and State-Owned Lands

The project may also require consent from the Board of Trustees of the Internal Improvement Trust Fund (Governor and Cabinet) to use sovereign submerged lands if the disposal site is submerged lands or uplands which were formerly submerged lands, filled without consent. A title check with the Division of State Lands should clarify sovereignty issues. The dredging of submerged lands in the ICW will qualify under our consent-to-use procedure for public projects.

CARL Site

The public notice shows that roughly the southeastern quarter of the DMMA lies within the North Indian River Lagoon Conservation and Recreation Lands (CARL) project area, however, the wetlands map in the notice appears to indicate that the dike will be constructed around this sensitive area. While this CARL project has not yet been purchased by the state, Brevard County and the St. Johns River Water Management District are also interested in acquiring land in this project. If acquired, the Fish and Wildlife Service has proposed to manage this area as an addition to the Merritt Island National Wildlife Refuge.

The CARL project within the boundaries of the proposed disposal site consists of high-quality hydric or maritime hammock adjacent to the estuarine tidal marsh east of the Florida East Coast Railroad. If dredged materials are to be placed in this area then the impacts to this high quality natural community should be evaluated.

Endangered and Threatened Species

Based on the Florida Natural Areas Inventory database for the DMMA site, BV-2C, located in Township 20S, Range 35E on the Mims quadrangle, the following occurrences of threatened species and rare natural communities are known to be on or within one mile of the site: Florida scrub jay

Ms. Traub-Metlay
Page Three

(Aphelocoma coerulescens coerulescens) and scrub natural community (approximately .8 mile west of the site).

The FNAI data base represents a compilation of information extracted from published and unpublished literature, museums and herbaria, field surveys, personal communications, and other sources. They should never be regarded as final statements on the elements or areas being considered, nor should they be substituted for on-site surveys required for environmental assessments.

Site Management

The public notice indicates that the dredged material will be removed from the disposal site and reused. The Department strongly supports and encourages this approach to dredged material management. The EA should explain the anticipated disposal site management scheme that would make this possible. Specifically, the EA should clarify whether FIND has identified potential uses or users and the likelihood for successful site rejuvenation so that adequate capacities are maintained.

A draft EA which thoroughly addresses the above issues should be prepared and provided to the state for review and comment before making a decision on the significance of the project's impacts. The public notice refers to a CZMA federal consistency determination which has been prepared, but the determination did not accompany the notice. The consistency determination should be included in the draft EA.

We appreciate the opportunity to comment on the project at this early stage. We recommend close coordination and pre-application consultation with our permitting staff in both Tallahassee and Orlando. In addition, FIND may contact Mr Duane DeFreese, of the Brevard County Environmentally Endangered Lands Program at 407/633-2016, for initial contact during the mitigation planning stage. If you have any questions concerning these comments, please contact me at 487-2231.

Cordially,

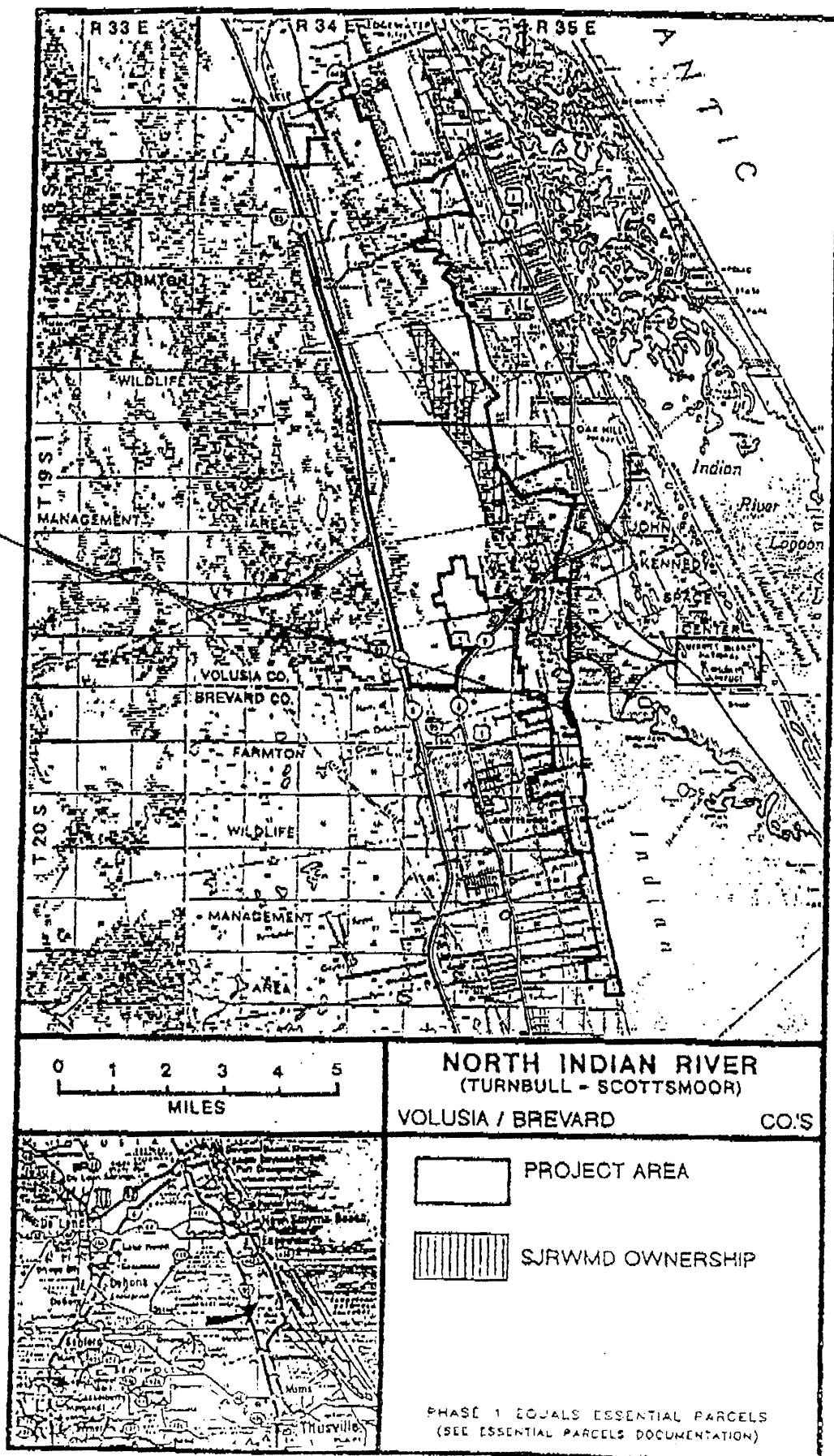


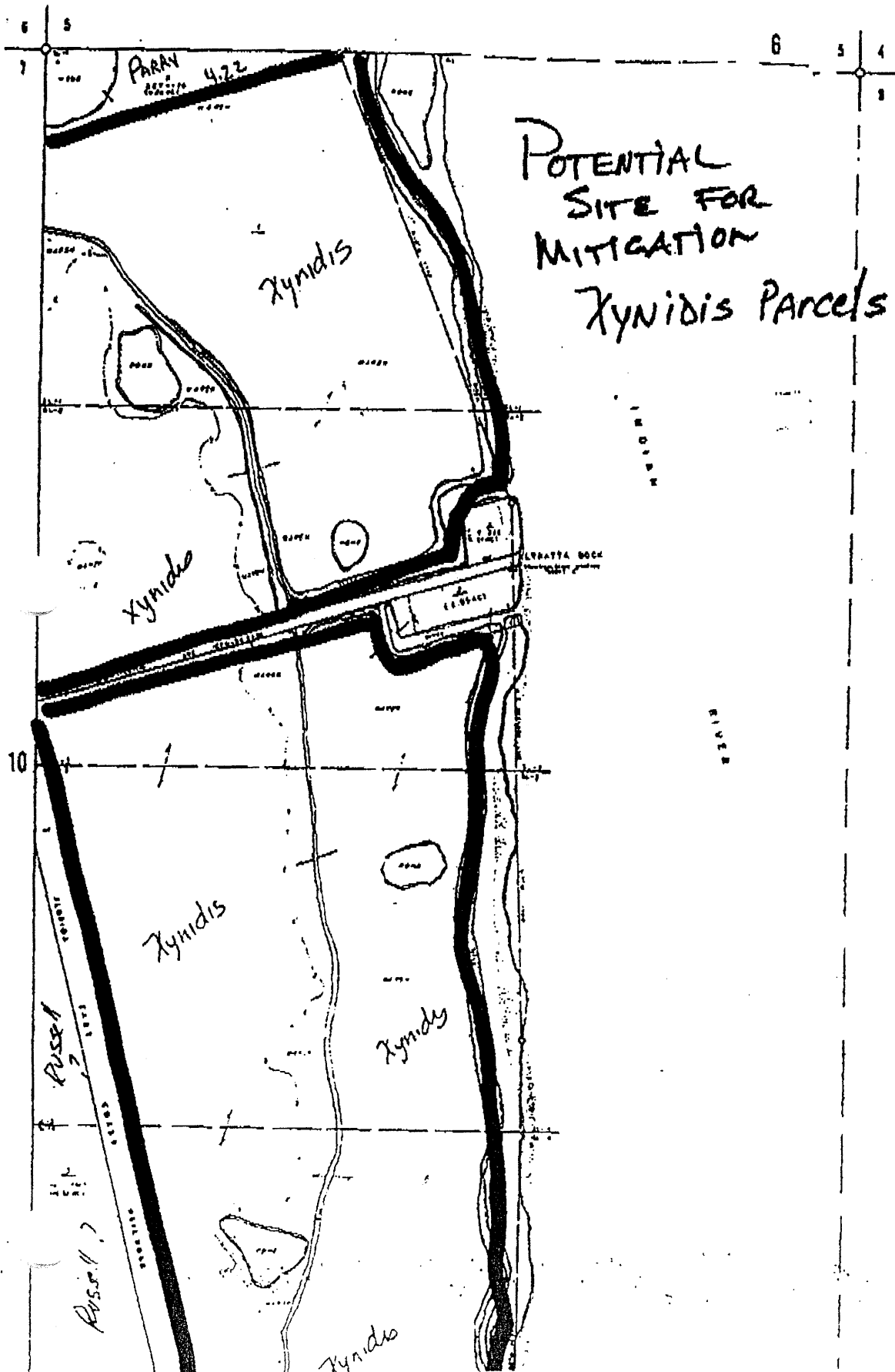
Lynn Griffin
Environmental Program Administrator
Office of Intergovernmental Programs

Enclosures

cc: Barbara Bess
Eric Bush
Duane DeFreese
Mark Garland
Barbara Lenczewski
Ruth McLemore
Larry Nall
Fritz Wettstein

*Potential
Mitigation Sites*





11

BREVARD COUNTY
FLORIDA

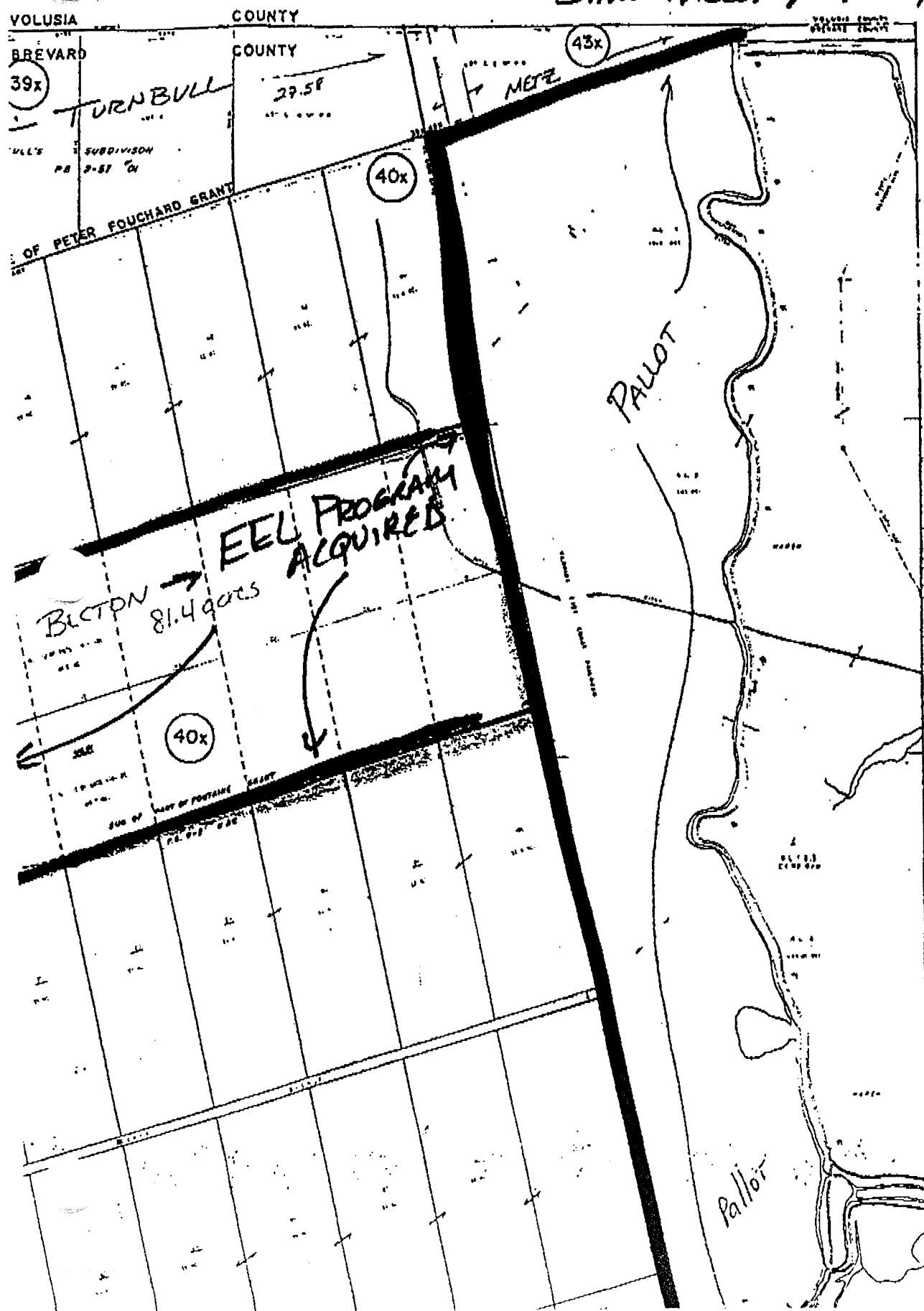
TWP 20
RNG 35
SEC 1

APPROXIMATE
SCALE
1" = 300'

5

TWP 20
RNG 25
SEC 6, 10, 40, 41, 46

APPROXIMATE
SCALE
1" = 300'



6

BREVARD COUNTY
FLORIDA

TWP. 20
RNG. 35
SEC. 5, 45 &

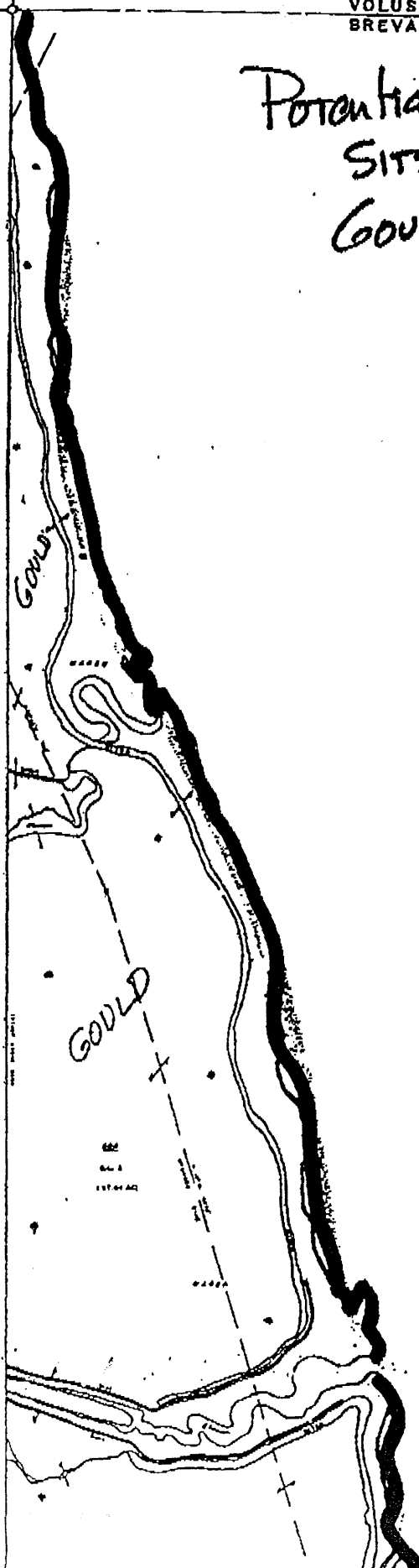


APPROXIMATE
SCALE
1" = 300'

21 32

VOLUSIA
BREVARD

Potential Mitigation
SITE
GOULD Property



INDIAN

RIVER

For more info Call
Kevin Judd, TWC
(407) 253-0076

20G-354301
Kathleen N. Metz
001007 S. Ridgewood Ave.
Edgewater, FL 32932

5.65

570.00

20G-35-5/46

20-350500-500
Howard M. Gould
190 Oak Manor Dr.
Cape Canaveral, FL 32920

87.88

8,790.00

POTENTIAL
MITIGATION

20-35-6

20-350600-1
William Pallot
400 Pickle Road
Shelbyville, TN 37160

152.20

8,830.00

POTENTIAL
MITIGATION

20G-35-40

20G-3540AC-118
Robert Becton
514 S. Eola Dr.
Orlando, FL 32801

40.7

61,050.00

20G-3540AC-118.01
Robert Becton
514 S. Eola Dr.
Orlando, FL 32801

40.7

61,050.00

20-35-7/8

20-350700-1
Gordon Parry
4085 88th Court S.
Boynton Beach, FL 33436

7.97

580.00

20-350700-2
Steve Xynidis
521 N. Halifax Ave.
Dayton Beach, FL 32018

110.12

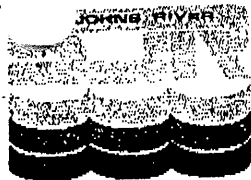
35,790.00

POTENTIAL
MITIGATION

20-350700-3
John A. Russell
P.O. Box 399
Scottsmeer, FL 32775

29.18

25,910.00



WATER MANAGEMENT DISTRICT

August 30, 1995

Ms. Suzanne Traub-Metlay
Florida State Clearinghouse
Executive Office of the Governor - OPB
Room 1603, The Capitol
Tallahassee, FL 32399-0001

Henry Dean, Executive Director
John R. Wenle, Assistant Executive Director
Charles T. Myers III, Deputy Assistant Executive Director

POST OFFICE BOX 1429 PALATKA, FLORIDA 32178-1429
TELEPHONE 904/329-4500 SUNCOM 904/860-4500
TDD 904/329-4450 TDD SUNCOM 860-4450
FAX (EXECUTIVE/LEGAL) 329-4125 (PERMITTING) 329-4315 (ADMINISTRATION/FINANCE) 329-4508

FIELD STATION	
618 E. South Street Orlando, Florida 32801 407/897-4300 TDD 407/897-5900	7775 Baymeadows Way Suite 102 Jacksonville, Florida 32256 407/771-1000 TDD 407/771-1000
PERMITTING: 305 East Drive Melbourne, Florida 32904 407/254-1762 TDD 407/254-1203	OPERATIONS: 2133 N. Wickham Road Melbourne, Florida 32935-8109 407/254-1762 TDD 407/254-1203

RECEIVED

SEP 5 1995

Florida Coastal
Management Program

Re: SAI #: FL9508100838C

Name of Project: Long-Range Dredged Material Management Plan for the Intracoastal
Waterway - Public Notice - Brevard County, Florida

Dear Ms. Traub-Metlay:

The staff of the St. Johns River Water Management District has reviewed the above referenced plan and offers the following comments regarding impacts to water and related natural resources.

The area proposed for the Dredged Material Management Area (DMMA) is partially within the State's North Indian River Conservation and Recreation Lands (CARL) Project, totaling approximately 19,000 acres. This project was proposed by the District and Brevard and Volusia Counties to better protect the most extensive and healthy seagrass beds in the Indian River Lagoon. A review of aerial photography indicates that approximately 60 ac. in the southeastern corner of the proposed DMMA are hammock, while the rest of the DMMA appears to be agricultural or otherwise impacted land. It is recommended that the hammock area be maintained in its natural condition. If additional area is needed for the DMMA, any adjacent lands should be suitable except the lands immediately north and south of the eastern corners of the proposed DMMA. Great care should be taken with pipeline location and any runoff because of the adjacent seagrass beds located in the Lagoon from the shoreline to approximately one-half mile offshore.

It appears that the proposed project will require a Management and Storage of Surface Waters (MSSW) Permit. The permit is based on St. Johns River Water Management District rules, but under the current Delegation Agreement would be processed by the Florida Department of Environmental Protection (DEP). After October 3, 1995, this permit will be known as an Environmental Resource Permit (ERP), and would also be processed by the DEP.

Finally, the District should be included on the list of agencies to which the Army Corps of Engineers sends notices of these types of projects. The list of State Agencies should be corrected to reflect the merger of the Departments of Natural Resources and Environmental Regulation into the DEP.

Patricia T. Harden, CHAIRMAN
SANFORD

William Segal, VICE CHAIRMAN
MAITLAND

Dan Roach, TREASURER
FERNANDINA BEACH

Otis Mason, SECRETARY
ST. AUGUSTINE

Kathy Chinoy
JACKSONVILLE

Griffin A. Greene
VERO BEACH

James H. Williams
OCALA

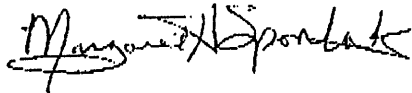
Reid Hughes
DAYTONA BEACH

James T. Swann
COCOA

This letter does not constitute or substitute for a permit review. Permit reviews require more specific information.

If you have any questions or if I can be of further assistance, please contact me at (904) 329-4374.

Sincerely,

A handwritten signature in cursive script, appearing to read "Margaret Spontak".

Margaret Spontak, Director
Division of Policy and Planning

MS/REG/ch

c: P. Haydt
D. Miracle

CC Y: Brevard

PLEASE RUSH!

DATE: 08/16/95
 COMMENT DUE DATE: 08/23/95
 CLEARANCE DUE DATE: 08/30/95
 SAI#: FL9508100838C

STATE AGENCIES

Community Affairs
 Environmental Protection
 Game and Fresh Water Fish Comm
 Marine Fisheries Commission
 State
 Transportation

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AUG 16 1995

MARINE FISHERIES
 COMMISSION

LOCAL/OTHER

St. Johns River WMD

RECEIVED

AUG 23 1995

Florida Coastal
 Management Program

OPB POLICY UNITS

Environmental Policy/C & ED

The attached document requires a Coastal Zone Management Act/Florida Management Program consistency evaluation and is categorized as one of the following:

— Federal Assistance to State or Local Government (15 CFR 930, Subpart F). Agencies are required to evaluate the consistency of the activity.

X — Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are required to furnish a consistency determination for the State's concurrence or objection.

— Outer Continental Shelf Exploration, Development or Production Activities (15 CFR 930, Subpart E). Operators are required to provide a consistency certification for state concurrence/objection.

— Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such projects will only be evaluated for consistency when there is not an analogous state license or permit.

Project Description:

Long-Range Dredged Material Management Plan for Intracoastal Waterway - Public Notice - Brevard County, Florida

FOR CONSISTENCY PROJECTS, SEE REVERSE SIDE FOR INSTRUCTIONS.

To: State Clearinghouse
 Executive Office of the Governor -OPB
 Room 1603, The Capitol
 Tallahassee, FL 32399-0001
 (904) 488-8114 (SC 278-8114)

EO. 12372/NEPA

Federal Consistency

Florida Coastal Management Program
 Department of Community Affairs
 Suite 305, Rhyne Building
 2740 Centerview Drive
 Tallahassee, FL 32399-2100
 (904) 922-5438 (SC 292-5438)

- ☐ No Comment
☐ Comments Attached
☐ Not Applicable

- ☒ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

From:

Division/Bureau:

Reviewer:

MARINE FISHERIES COMMISSION
 2540 EXECUTIVE CENTER CIRCLE WEST
 SUITE 106
 TALLAHASSEE, FLORIDA 32301

DATE: 08/29/95

COMMENT DUE DATE: 7/13/95 08/23/95

CLEARANCE DUE DATE: 09/27/95

SAI#: FL9508100838C

CC : Brevard

STATE AGENCIES

Community Affairs
Environmental Protection
Game and Fresh Water Fish Comm
Marine Fisheries Commission
State
Transportation

LOCAL/OTHER

St. Johns River WMD

RECEIVED

SEP 12 1995

Florida Coastal
Management Program

OPB POLICY UNITS

Environmental Policy/C & ED

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Project Description:

Long-Range Dredged Material Management Plan
for Intracoastal Waterway - Public Notice -
Brevard County, Florida

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AUG 30 1995

CENTRAL OFFICE FDOT
IGAR COORDINATOR

FOR CONSISTENCY PROJECTS, SEE REVERSE SIDE FOR INSTRUCTIONS.

To: State Clearinghouse

EO. 12372/NEPA

Federal Consistency

Executive Office of the Governor -OPB
Room 1603, The Capitol
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Florida Coastal Management Program
Department of Community Affairs
Suite 305, Rhyne Building
2740 Centerview Drive
Tallahassee, FL 32399-2100
(904) 922-5438 (SC 292-5438)

- ☐ No Comment
☐ Comments Attached
☐ Not Applicable

- ☒ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

From:

Division/Bureau: Florida Department of Transportation

Reviewer:

James D. Kimbler

James D. Kimbler, District Director
of Planning & Public Transportation

Date: September 6, 1995

Y: Brevard

DATE: 08/29/95
COMMENT DUE DATE: 9/13/95 ~~08/23/95~~
CLEARANCE DUE DATE: 09/27/95
SAI#: FL9508100838C

STATE AGENCIES

Community Affairs
Environmental Protection
Game and Fresh Water Fish Comm
Marine Fisheries Commission
State
Transportation

LOCAL/OTHER

St. Johns River WMD

OPB POLICY UNITS

Environmental Policy/C & ED

RECEIVED

SEP 18 1995

Florida Coastal
Management Program

The attached document requires a Coastal Zone Management Act/Florida
Management Program consistency evaluation and is categorized
of the following:

— Federal Assistance to State or Local Government (15 CFR 930, Subpart F).
Agencies are required to evaluate the consistency of the activity.

X Direct Federal Activity (15 CFR 930, Subpart C). Federal Agencies are
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concurrence or objection.

— Outer Continental Shelf Exploration, Development or Production
Activities (15 CFR 930, Subpart E). Operators are required to provide a
consistency certification for state concurrence/objection.

— Federal Licensing or Permitting Activity (15 CFR 930, Subpart D). Such
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Project Description:

Long-Range Dredged Material Management Plan
for Intracoastal Waterway - Public Notice -
Brevard County, Florida

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Tallahassee, FL 32399-0001
(904) 488-8114 (SC 278-8114)

Florida Coastal Management Program
Department of Community Affairs
Suite 305, Rhyne Building
2740 Centerview Drive

Tallahassee, FL 32399-2100 MARINE FISHERIES COMMISSION
(904) 922-5438 (SC 292-5438) 2540 EXECUTIVE CENTER CIRCLE WEST
SUITE 106

EO. 12372/NEPA

Federal Consistency

☐ No Comment
☐ Comments Attached
☐ Not Applicable

☒ No Comment/Consistent
☐ Consistent/Comments Attached
☐ Inconsistent/Comments Attached
☐ Not Applicable

From:

Division/Bureau:

Reviewer:

Date:

APPENDIX VI

COASTAL ZONE CONSISTENCY DETERMINATION

FLORIDA COASTAL ZONE MANAGEMENT PROGRAM FEDERAL CONSISTENCY EVALUATION PROCEDURES

1. Chapter 161, Beach and Shore Preservation

The intent of the coastal construction permit program established by this chapter is to regulate construction projects which are located seaward of the line of mean high water and which might have an effect on natural shoreline processes.

Response: The proposed work is not seaward of the mean high water line and would not affect shorelines or shoreline processes. Information will be submitted to the state for a permit in compliance with this chapter.

2. Chapters 186 and 187, State and Regional Planning

These chapters establish the State Comprehensive Plan which sets goals that articulate a strategic vision of the State's future. The Plan's purpose is to define, in a broad sense, goals and policies that provide decision-makers directions for the future and provide long-range guidance for an orderly social, economic, and physical growth.

Response: The proposed work has been coordinated with State agencies and local governments through a series of meetings during preparation of the long-range dredged material management plan for Brevard County.

3. Chapter 252, Disaster Preparation, Response and Mitigation

This chapter creates a state emergency management agency, with the authority to provide for the common defense; to protect the public peace, health and safety; and to preserve the lives and property of the people of Florida.

Response: The construction of the dredged material management facility will allow continued maintenance dredging in the ICWW, thus ensuring a navigable waterway which could be used in

emergency situations. Therefore, this work would be consistent with the efforts of the Division of Emergency Management.

4. Chapter 253, State Lands

This chapter governs the management of submerged state lands and resources within state lands. This includes archeological and historical resources; water resources; fish and wildlife resources; beaches and dunes; submerged grass beds and other benthic communities; swamps, marshes, and other wetlands; mineral resources; unique natural features; submerged lands; spoil islands; and artificial reefs.

Response: The proposed work will not affect state lands. The Division of Historical Resources has indicated that no significant cultural resources will be affected by the project. Wetlands are present on the property but the site configuration minimizes impact to isolated wetlands. Jurisdictional wetlands will not be impacted since these wetlands are located in a buffer zone outside the construction area.

5. Chapters 253, 259, 260, and 375, Land Acquisition

These chapters authorize the state to acquire land for a variety of purposes, including conservation and protection of environmentally sensitive areas and to provide parks and recreation areas, a recreational trails system, and outdoor recreation and conservation areas.

Response: The project area is not being considered for acquisition under the above chapters.

6. Chapter 258, State Parks and Aquatic Preserves

This chapter authorizes the state to manage state parks and aquatic preserves.

Response: The proposed work would not affect any parks or preserves and would, therefore, be consistent with this chapter.

7. Chapter 267, Historic Preservation

This chapter establishes the procedures for implementing the Florida Historic Resources Act responsibilities.

Response: The State Division of Historic Resources has been contacted about this project. The Division indicated that the project will have no effect on historic resources. The Division further indicated that the project is consistent with the historic preservation aspects of Florida's coastal zone management program and that no further Division involvement is needed (Appendix VI).

8. Chapter 288, Economic Development and Tourism

This chapter directs the state to provide guidance and promotion of beneficial development through encouraging economic diversification and promoting tourism.

Response: The creation of dredged material management facilities provides for maintenance dredging of the ICWW channel. The ICWW encourages recreational development and tourism. Therefore, the project is consistent with the goals of this chapter.

9. Chapters 334 and 339, Public Transportation

This chapter authorizes the planning and development of a safe balanced and efficient transportation system.

Response: The maintenance dredging of the ICWW channel promotes public navigation and intermodal transportation.

10. Chapter 370, Saltwater Living Resources

This chapter directs the state to preserve, manage, and protect the marine, crustacean, shell, and anadromous fishery resources in state waters; to protect and enhance the marine and estuarine environment; to regulate fisherman and vessels of the state engaged in the taking of such resources within or without state waters; to issue licenses for the taking and processing products of fisheries; to secure and maintain statistical records of the catch of each such species; and to conduct scientific and economic studies and research.

Response: The construction of the dredged material management facility will not adversely affect saltwater living resources.

11. Chapter 372, Living Land and Freshwater Resources

This chapter establishes the Game and Freshwater Fish Commission and directs it to manage freshwater aquatic life and wild animal life and their habitat to perpetuate a diversity of species with densities and distributions which provide sustained ecological, recreational, scientific, educational, aesthetic, and economic benefits.

Response: Construction of BV-2C will impact no significant living land or freshwater resources. Therefore, the work will comply with the goals of this chapter.

12. Chapter 373, Water Resources

This chapter provides the authority to regulate the withdrawal, diversion, storage, and consumption of water.

Response: This work does not involve water resources as described by this chapter.

13. Chapter 376, Pollutant Spill Prevention and Control

This chapter regulates the transfer, storage, and transportation of pollutants and the cleanup of pollutant discharges.

Response: This work does not involve the transportation or discharging of pollutants.

14. Chapter 377, Oil and Gas Exploration and Production

This chapter authorizes the regulation of all phases of exploration, drilling, and production of oil, gas, and other petroleum products.

Response: This work does not involve the exploration, drilling, and production of oil, gas, and other petroleum products.

15. Chapter 380, Environmental Water and Land Management

This chapter establishes state land and water management policies to guide and coordinate local development decisions in order to adequately plan for Florida's future growth and development.

Response: Selection and design of the dredged material management area has been coordinated with state agencies and local governments.

16. Chapter 388, Arthropod Control

This chapter provides for a comprehensive approach for abatement or suppression of mosquitos and other pest arthropods within the state.

Response: Mosquito control measures are described in the site management plan. Physical control through minimization of standing water inside the dike is the primary method of control. If necessary, short-term spraying will be coordinated through the Brevard County Office of Environmental Services.

17. Chapter 403, Environmental Control

This chapter authorizes the regulation of pollution of the air and waters of the state by the FDER.

Response: Air quality impacts due to the operation of construction equipment will be minor. Burning permits will be obtained if the cleared vegetation is burned. Therefore, the work will comply with the intent of this chapter

18. Chapter 582, Soil and Water Conservation

This chapter establishes policy for the conservation of the state soil and water through the Department of Agriculture. Land use policies will be evaluated in terms of their tendency to cause or

contribute to soil erosion or to conserve, develop, and utilize soil and water resources both on site or in adjoining properties affected by the work. Particular attention will be given to work on or near agricultural lands.

Response: Citrus groves and fallow croplands are located on and near the project site. The project will include a perimeter ditch around the dike to control runoff from the exterior face of the dike, perimeter road, and portions of the buffer. Existing vegetation will be preserved in the buffer between the facility and adjacent properties and citrus production will continue in some parts of the buffer. Thus, no adverse effects on adjacent agricultural lands are anticipated. A Farmland Conversion Impact rating was performed by the Corps and the local Soil Conservation Service. BV-2C recieved a score of 145 points out of a possible 260. Therefore, BV-2C was determined to be consistent with this chapter.

APPENDIX VII

ARCHEOLOGICAL AND HISTORICAL DOCUMENTATION



COPY

FLORIDA DEPARTMENT OF STATE

Jim Smith

Secretary of State

DIVISION OF HISTORICAL RESOURCES

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August 2, 1991

Mr. Michael Cochran
Taylor Engineering, Inc.
9086 Cypress Green Drive
Jacksonville, Florida 32256

In Reply Refer To:
Susan M. Herring
Historic Preservation
Planner
(904) 487-2333
Project File No. 912139

RE: Cultural Resource Assessment Request
Florida Inland Navigation District
4 Potential Dredge Disposal Sites
St. Johns and Brevard Counties, Florida

Dear Mr. Cochran:

In accordance with the procedures contained in 36 C.F.R., Part 800 ("Protection of Historic Properties"), we have reviewed the above referenced project(s) for possible impact to archaeological and historical sites or properties listed, or eligible for listing, in the National Register of Historic Places. The authority for this procedure is the National Historic Preservation Act of 1966 (Public Law 89-665), as amended.

A review of the Florida Master Site File indicates that no significant archaeological and/or historical sites are recorded for or considered likely to be present within the four project areas (SJ-20A, BV-28, BV-2C, & BV-4B). It is the opinion of this agency that because of the project locations, it is considered unlikely that any such sites will be affected. Therefore, it is the judgement of this office that the proposed project will have no effect on any sites listed, or eligible for listing, in the National Register of Historic Places, or otherwise of national, state, regional, or local significance. The project is consistent with the historic preservation aspects of Florida's coastal zone program, and may proceed without further involvement with this agency.